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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 WENDY L. HUTZLER,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commissioner of
15 the Social Security Administration,

16 Defendant.

17 CASE NO. 11-cv-05672 RBL-JRC

18 REPORT AND RECOMMENDATION
19 ON STIPULATED MOTION FOR
20 REMAND

21 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28

22 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,

23 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on

24 Defendant's Motion to Remand Pursuant to Sentence Six, 42 U.S.C. § 405(g) (Stipulated). (ECF

25 No. 8.)

26 After reviewing Defendant's motion and the relevant record, the undersigned
27 recommends that the Court grant Defendant's motion, and remand this matter to the
28 Commissioner, pursuant to sentence six of 42 U.S.C. § 405(g) because significant portions of the

1 recording of the hearing are inaudible and thus good cause exists to support the request for
2 remand. This Court retains jurisdiction of this action pending further administrative development
3 of the record. See 42 U.S.C. § 405(g); see also Shalala v. Schaefer, 509 U.S. 292, 297-300
4 (1993).

5 On remand, the Appeals Council should remand the matter to an administrative law judge
6 who shall afford the Plaintiff a *de novo* hearing. After remand, the Commissioner of Social
7 Security shall modify or affirm the Commissioner's findings of fact or the Commissioner's
8 decision, or both, and shall file with the Court any such additional or modified findings of fact
9 and decision. 42 U.S.C. § 405(g). If the outcome of the *de novo* hearing is not fully favorable to
10 Plaintiff, the Commissioner shall file with the Court a transcript of the record and testimony on
11 which the Commissioner's action in modifying or affirming is based. *Id.* In addition, Plaintiff
12 may seek judicial review by reinstating this case rather than by filing a new complaint. If the
13 outcome is favorable to Plaintiff, the parties shall move this Court for entry of Judgment.

14 Given the facts and the plaintiff's stipulation, the Court recommends that the District
15 Judge immediately approve this Report and Recommendation and order the case be
16 **REMANDED** pursuant to sentence six of 42 U.S.C. § 405(g).

17 Dated this 4th day of November, 2011.
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21 J. Richard Creatura
United States Magistrate Judge
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